

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
February 19, 2008

**D050260      Del Cerro Action Council v. Board of Trustees of California State University**

The order awarding attorney fees and costs to DCAC are affirmed. Further, we remand this action to the trial court to consider the award to DCAC of attorney fees incurred on appeal. Irion, J.; We Concur: McConnell, P.J., Haller, J.

**D048690      People v. Morreo**

The case is remanded for resentencing. In all other respects, the judgment is affirmed. Irion, J.; We Concur: McConnell, P.J., Nares, J.

**D051325      In re Cynthia S., a Juvenile**

The judgment is affirmed. McIntyre, J.; We Concur: McConnell, P.J., Irion, J.

**D051370      Braunstein v. Sweetwater Union High School District et al.**

Upon written stipulation filed by the parties to the appeal, the appeal is DISMISSED and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).) Each party to bear own costs on appeal.

**D052397      Larry H. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

No timely amended petition for writ relief has been filed, and petitioner's counsel has filed a letter stating that there are no viable issues for writ review. The notice of intent is deemed to be abandoned. The case is DISMISSED.

**D051540      Ecology Auto Parts Inc., et al. v. Superior Court of San Diego County/Franco et al.**

At the request of petitioners, the petition for writ of mandate is dismissed.

**D051868      In re Gutierrez on Habeas Corpus**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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DIVISION ONE  
February 20, 2008

**D050599      Ramos v. Caro**

Appeal dismissed. Haller, J.; We Concur: Nares, Acting P.J., Irion, J.

**D050419      People v. Goodman**

Judgment affirmed. Haller, Acting P.J.; We Concur: Aaron, J., Irion, J.

**D047564      People v. Garcia**

The judgment is affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., Haller, J.

**D052524      People v. Rosier**

The denial of a petition for writ of habeas corpus is not appealable. The appeal is dismissed.

**D051564      People v. Sorto**

The judgment is affirmed. Haller, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

**D048668      Souab v. Atlas Hotels Inc., et al.**

The judgment and the order are affirmed. Respondents are awarded costs on appeal. McConnell, P.J.; We Concur: Benke, J., O'Rourke, J.

**D051548      In re Michael B. et al., Juveniles**

The judgments are affirmed. Irion, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

**D048607      People v. Hubbs**

The judgment is reversed; the matter is remanded for a new trial. Nares, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
February 20, 2008 (Continued)

**D050472      Parziale et al. v. Banc of America Investment Services Inc., et al.**

Plaintiffs' motion to dismiss both of the appeals filed by BAIS and Ohanian is granted, and those appeals are dismissed. Plaintiffs' cross-appeal is also dismissed. We deny plaintiffs' request to require BAIS and Ohanian to pay plaintiffs' attorney fees incurred in connection with the motion to dismiss. When a final judgment is entered in this action, the parties may file notices of appeal raising challenges to any appealable interlocutory rulings or judgments of the trial court. Plaintiffs are awarded all their costs on appeal with respect to both the appeals filed by BAIS and Ohanian and plaintiffs' cross-appeal. Irion, J.; We Concur: Benke, Acting P.J., Haller, J.

**D049562      People v. Fulcher**

The judgment is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Nares, J.

**D051271      Berardi v. The Superior Court of San Diego County/People**

The opinion filed January 25, 2008, is ordered certified for publication.

**D051338      People v. Williams**

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately.

**D051908      In re Glaser on Habeas Corpus**

The petition is denied.

**D051213      People v. Farzad D.,**

Appellant's motion to dismiss the appeal filed February 20, 2008, is GRANTED. The appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244 (c)(2).)

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
February 21, 2008

**D051216      In re Brandon U., a Juvenile**

The orders are affirmed. McIntyre, J; We Concur: McConnell, P.J., Aaron, J.

**D050917      People v. Lomax**

The judgment is affirmed. Aaron, J.; We Concur: Haller, Acting P.J., Irion, J.

**D051902      In re Young on Habeas Corpus**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
February 22, 2008

**D052362      Chisley et al. v. The Superior Court of San Diego County/Barona Band of Mission Indians**

The request to file a reply is denied. The petition is denied.

**D051980      Metropolitan Transit System et al. v. Superior Court of San Diego County/Guzman**

The petition is denied.

**D049620      White v. Warren**

The judgment is affirmed. Each party shall bear its own costs on appeal. O'Rourke, J.; We Concur: Huffman, Acting P.J., Aaron, J.

**D052509      People v. Superior Court of Imperial County/Garibaldi**

The petition is denied.

**D051854      Department of Alcoholic Beverage Control v. Alcoholic Beverage Control Appeals Board/Circle K Stores, Inc.**

The petition for writ of review has been read and considered by Justices Benke, Haller and McIntyre. The petition is denied.

**D050982      In re Julia S., a Minor**

**D051498      In re Julia S. on Habeas Corpus**

(consolidated) The judgment is reversed. The case is remanded to the superior court, with directions for a full inquiry whether Julia might be an Indian child, and for all ICWA notices that are necessary as a result of the inquiry. If, after proper inquiry and notice, no tribe seeks to intervene or otherwise indicates Julia is an Indian child, the court shall reinstate the judgment. If, on the other hand, a tribe claims Julia is an Indian child, the court shall proceed in conformity with all provisions of ICWA. The petition denied. O'Rourke, J.; We Concur: Huffman, Acting P.J., Aaron, J.

**D050167      Duckor, Spradling, Metzger & Wynne v. David Blackburn et al.**

**D050931      Duckor, Spradling, Metzger & Wynne v. David Blackburn et al.**

The pending appeal, Duckor, Spradling, Metzger & Wynne v. David Blackburn et al. (D050931) is consolidated with the pending appeal, Duckor, Spradling, Metzger & Wynne v. David Blackburn et al. (D050167) for disposition.

**D052306      Adelina M. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorneys for petitioners Adelina M. and James S. have notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
February 22, 2008 (Continued)

**D051928      Perry v. Workers' Compensation Appeals Board and State Compensation Insurance Fund.**

The petition is denied.

**D052396      Les F. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Les F. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is DISMISSED.